

Appl. No. 09/308,314  
Amdt. dated August 7, 2003  
Reply to Office Action of May 8, 2003

REMARKS/ARGUMENTS

Claims 1, 3, 5-6, 14-17, 25-34 remain in this application.

Claims 2 and 13 were previously canceled. Claims 4, 7-12, 18-24,  
and 34 <sup>were</sup> ~~have been~~ withdrawn.

In view of the Examiner's earlier restriction requirement,  
applicants retain the right to present claims 4, 7-12 and 18-24  
in a divisional application.

The Examiner has acknowledged that claims 1, 3, 5, 6, 14-17, 26,  
27, 28, and 30 are directed to allowable subject matter.

In the Office Action, claims 1, 3, 5, 6, 14-17, 26, 27, 28 and 30  
are allowed as stated in the Office Action.

The finality of the previous Office Action has been withdrawn  
pursuant to 37 CFR 1.114. Applicants' submission filed on 11 May  
2003 has been entered.

Claim 34 was withdrawn from consideration as being directed to a  
non-elected invention as stated in the Office Action. This claim  
has been amended to include the motorized drive, thereby to  
address the Examiner's comment that the lack of the recital of a  
motor permits usage with a different product. This is believed

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to overcome the grounds for withdrawal of this claim. An action on the merits is requested.

Claim 33 was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as mentioned in the Office Action. Claim 33 has been amended to correct a typographical error, thereby to overcome this ground of rejection.

The Examiner presumes correctly that the subject matter of the various claims was commonly owned at the time any invention covered therein were made.

Claims 25 and 33 were rejected under 35 USC 103(a) as unpatentable over Molari '375 in view of Bray '904 on the grounds set forth in the Office Action.

Claims 25 and 29 were rejected under 35 USC 103(a) as unpatentable over Eppler et al '464 in view of Molari '375 and Bray '904 for the reasons stated in the Office Action.

Claims 31 and 32 were rejected under 35 USC 103(a) as unpatentable over Eppler et al '464 in view of Bray '904 on the grounds set forth in the Office Action.

Reconsideration of these rejections is requested respectfully in view of the amendment and the argument herein.

On page 8 of the Office Action, the Examiner comments on claims 25, 31 and 32 in the matter of "sprayable" or "arranged to spray". Such language is said by the Examiner as not distinguishing over the teaching of Epple. It is urged that Epple does not teach one to spray washing fluid during all positions of the washing arm because it is clearly taught how the apparatus works in a fixed position of the spray head, and there are no indications of how this apparatus could operate in a different manner. However these claims have been amended to state definitively that there is a spraying of washing fluid concurrently with the movement of the washing arm. This is believed to overcome the rejections based on Epple taken in consideration with the other references. For example, as shown in Molari, the drive mechanism maintains orientation of the spray head relative to the windshield for all positions of spraying. This is true also in the present invention. But Epple teaches only two positions, namely, storage and spray. There is no control of intermediate positions of the spray head and, therefore, Epple teaches away from the present invention in the matter of spraying concurrently with movement of the washing arm (nozzle carrier).


Furthermore, Molari is distinguishable from the invention as set forth in amended claims 25 and 31-34. While the Molari drive mechanism maintains orientation of the spray head relative to the windshield, the mechanism continuously pivots the spray head relative to a basic position of the spray head. However, the amended passages to these claims teach that during movement of the spray head during the spraying of washing fluid on the shield, the orientation of the spray head remains constant or

parallel to a basic position of the spray head. This teaching of the claims contradicts the pivoting of Molari. Accordingly, the present amendment is believed to overcome the rejections based on a combination of teachings of Epple, Molari and Bray so as to secure allowance of the amended claims. Claim 29 is believed to be allowable in view of its dependency from amended claim 25.

In the event there are further issues remaining the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is now believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.


Respectfully submitted,  
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CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on August 7, 2003.

Dated: August 7, 2003

  
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